

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

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|----------------------------------|---|-----------------------|
| CENTRAL LABORERS' PENSION, |) | |
| WELFARE AND ANNUITY FUNDS, |) | |
| |) | |
| Plaintiffs, |) | |
| |) | |
| vs. |) | NO. 07-cv-328 JPG-CJP |
| |) | |
| JLR CONCRETE SERVICE, INC., JEFF |) | |
| RAMAGE, Individually and JULIE |) | |
| RAMAGE, Individually, |) | |
| |) | |
| Defendants. |) | |

MEMORANDUM AND ORDER

This matter comes before the Court on plaintiff Central Laborers' Pension, Welfare and Annuity Funds' First Motion for Default Judgment (Doc. 13) against defendants JLR Concrete Services, Inc., Jeff Ramage, individually, and Julie Ramage, individually.

In the complaint and in the motion for default judgment, the plaintiffs seek an award of \$20,898.82 for delinquent contributions, liquidated damages, report form shortages and attorney's fees. They have not, however, provided any evidentiary support for the award of that sum. While entry of default establishes the alleged facts regarding liability as true, it does not establish the amount of damages. *In re Catt*, 368 F.3d 789, 793 (7th Cir. 2004); *Dundee Cement Co. v. Howard Pipe & Concrete Prods., Inc.*, 722 F.2d 1319, 1323 (7th Cir. 1983). The Court must make some inquiry into the proper damage amount based on the evidence in the case, and there is no evidence in this case.¹ The Court is further puzzled by the plaintiffs' separate

¹The Court notes that there is a statement attached as an exhibit to the complaint, but that statement is not in the form of an affidavit by a knowledgeable person such that it would serve to establish the total amount due.

request for attorney's fees when it appears that attorney's fees were included as a part of the \$20,898.82 requested in the complaint and motion. Finally, the Court is confused as to why the plaintiffs seek an audit when their motion indicates that the defendants have already submitted to an audit.

In light of these deficiencies and ambiguities, the Court **ORDERS** the plaintiffs to supplement their motion for default judgment on or before November 30, 2007, addressing the foregoing concerns of the Court.

IT IS SO ORDERED

Dated this 19th day of November, 2007

s/ J. Phil Gilbert
Honorable J. Phil Gilbert
U.S. District Judge